

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

JOSEPH ANTHONY SANTISTEVAN,)	No. 2:24-cv-08857-CV-JDE
)	
Plaintiff,)	ORDER ACCEPTING REPORT
)	AND RECOMMENDATION OF
v.)	UNITED STATES MAGISTRATE
SUZY MARQUEZ,)	JUDGE
)	
Defendant.)	

Pursuant to 28 U.S.C. § 636, the Court has reviewed the records on file, including the Complaint (Dkt. 1, 8 [redacted], “Complaint”) filed by Joseph Anthony Santistevan (“Plaintiff”) against Suzy Marquez (“Defendant”) in her official capacity as an employee of the City of Oxnard; Defendant’s Motion to Dismiss the Complaint (Dkt. 22, “Motion”); and the Report and Recommendation of the assigned magistrate judge issued on March 7, 2025 (Dkt. 33, “Report”). No party filed timely objections to the Report. The Report is approved and accepted.

Therefore, IT IS HEREBY ORDERED that:


1. The Motion (Dkt. 22) is GRANTED, in part, as follows: The Complaint is dismissed with leave to amend except for Plaintiff’s

request for punitive damages, for which no further leave to amend is granted; and

2. If Plaintiff still desires to pursue the action, he is ORDERED to file a First Amended Complaint **within 14 days from the date this Order is signed** attempting to remedy the defects identified in the Report. Any such First Amended Complaint must bear the docket number assigned in this case; be labeled "First Amended Complaint"; be complete in and of itself without reference to the prior complaint or any other pleading, attachment, or document; specify all facts upon which Plaintiff alleges Defendant or the City caused an alleged violation of his rights; shall not add any new claim or defendant beyond Defendant or the City without prior approval from the Court, and shall not include photos previously ordered placed under seal in this action. A failure to comply with this Order may result in any non-complaint being stricken. Failure to file a timely First Amended Complaint may result in this action being dismissed for failure to prosecute and failure to comply with a Court order. See Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

Dated: 5/20/25


CYNTHIA VALENZUELA
United States District Judge